

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

March 7, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 7, 2002, at 1:00 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; Bill Johnson; Dorman Blake; Harold Warner; Elizabeth Bishop; Frank Garofalo; Ray Warren; Kerry Coulter and David Wells. James Barfield and John McKay, Jr. were not present. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jamsheed Mehta, Chief Planner, Transportation Planning and Lisa Estrada, Recording Secretary.

1. Approval of the MAPC minutes for February 21, 2002.

MOTION: Approve as amended.

GAROFALO moved, **BLAKE** seconded the motion, and it carried (10-0).

2a. CUP2002-00002 – DP258 (Associated with ZON2002-00003) – Flatcoat III Community Unit Plan – Zone change to "GC" General Commercial; creation of DP-258 Flatcoat III Community Unit Plan. Generally located north of I-235 and east of West Street.

A tract of land in the Northwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at a point on the South line 114.6 feet West of the Southeast corner of said Quarter Section, said point being on the Northerly right of way line of the proposed highway; First Course, thence West along said South line 999.8 feet; Second Course, thence Westerly and Northwesterly along a curve of the Northerly right of way line of the proposed highway 837.9 feet; Third Course, thence Northwesterly along said right of way line 1024.5 feet; Fourth Course, thence North 39.0 feet, more or less, to the Southerly right of way line of the Protection Drainage District; Fifth Course, thence Southeasterly along said Drainage District right of way line to the place of beginning. Generally located north of I-235 and east of West Street.

The following cover memo was attached to the staff report:

Enclosed is a copy of the staff report discussed at the MAPC meeting held February 21, 2002. The action by MAPC at this meeting was to recommend approval of a zone change from "SF-5" Single-Family to "LC" Limited Commercial and to defer the request for action on CUP2002-00002 until March 7, 2002.

Staff recommendation has not changed from the original report.

The agent has submitted another rendering and site elevation. Staff still feels that the proposed project is not in character with the neighborhood in terms of the scale, massing of buildings, materials, and architectural details.

BACKGROUND: The applicant is requesting the creation of DP-258 Flatcoat III Community Unit Plan for a very large self-service storage warehouse development on an 18.53 acre tract. The request was originally filed for "GC" General Commercial zoning, but has been changed to a request for "LC" Limited Commercial.

The application area is located on the northeast corner of the I-235/West Street interchange. Access is proposed from Calvert Street, a local residential street bordering the north of the application area. The Protection Drainage Ditch separates the site from Calvert Street. This is a major drainage ditch extending several miles along the northern side of I-235 and eventually connecting with the Big Ditch. The area to the north is a single-family residential neighborhood with homes built in the 1960s and 1970s and is generally well maintained. Many of these homes have exteriors of wood and brick with gable roofs.

The site is bounded on the south by I-235. Two large tracts are located to the east/northeast. These are Cleaveland Traditional Magnet School and the YMCA South Branch. Industrial and commercial uses are located to the west of West Street.

The applicant submitted a site plan and an architectural rendering for the proposed self-service storage warehouse development. The site plan shows 19 mini-storage buildings on the interior of the site plus over 1/3-mile long continuous building on the exterior on the north. This north wall is visually articulated on an irregular basis with building wall insets and vertical columns with fieldstone applied to the columns. Along the south line, there is a one-half mile long continuous non-articulated building. An office/residence is located near the west entry. The site plan shows a maximum of 280,450 square feet of building coverage and a maximum building height of 18 feet. The backs of the storage units form the exterior walls and have no overhead doors. Proposed building materials are tan metal panel walls with brown trim and brown pressed metal roofs with a low pitch.

Prototype landscaping is shown around the perimeter of the buildings on the rendering, and is specified as being at 1½ times that required by the Landscape Ordinance on the C.U.P. drawing. Lighting is per Unified Zoning Code with the additional restriction of

all exterior lighting being attached to the buildings. Proposed signage restrictions are a ban on flashing, rotating or moving signs, portable signs, off-site signs, banners and pennants. Otherwise signage would be per code.

The proposed CUP meets the Conditional Use standards of Section III-D.6.y for self-service warehouses located in the "GO" General Office and "LC" Limited Commercial districts except in the two respects. First, the site is not contiguous with a less restrictive zoning district. It is contiguous only with right-of-way for I-235, West Street (for a short frontage of 39 feet), and the Protection Drainage Ditch. The zoning across the streets to the north and east is "SF-5" and to the west is "LI" Limited Industrial. Second, the site does not have direct access onto an arterial street (West Street); the access is located one block to the east via Calvert Street. The applicant's original request for "GC" zoning was meant to avoid the need for a variance of these standards. However, the latest amendments to the Unified Zoning Code allow the appropriate governing body to waive or modify these standards as a part of the Conditional Use (or in this case C.U.P.) review/approval.

District IV Advisory Board will be considering this application at its meeting to be held on March 6th.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5"	Single-family residences
SOUTH: I-235 Right-of-Way; "LI"; "SF-20"; "SF-5"	Highway, industrial, vacant
EAST: "SF-5"	School, YMCA
WEST: "LI"	Industrial, commercial

PUBLIC SERVICES: As previously stated, one access is shown via Calvert to West Street. An emergency access is shown opposite All Hallows Avenue. Traffic counts for West and I-235 were estimated at 11,900 ADTs in 1997s and projected to increase to 15,000 ADTs for 2030. Calvert Street has an unpaved segment located between Knight Avenue and Leonine Road. Otherwise Calvert is paved to a residential standard.

Normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the general location as appropriate for "low-density residential" development. The Area Treatment Classification Map identifies the general location as part of the "conservation" area, which would be an area that is basically sound but needs to be protected from future structural and market value decline of residential structures.

Residential Objective II.B of the *1999 Update* seeks to "minimize the detrimental impacts of higher intensity land uses and transportation facilities located near residential living environments" through **Strategy II.B.4** that recommends plan review "to ensure that building placement and height, circulation, signage, screening and lighting for non-residential land uses do not adversely impact residential areas".

Objective X.E seeks to "improve the visual appearance of Wichita and Sedgwick County" through the recommendation of **Strategy X.E1** to "prepare detailed design and improvement plans to enhance the visual appearance of key nodal points, special resource or opportunity areas, and major travel corridors in the community, as initially identified on the Visual Form Map". The I-235 corridor is identified as one of the visual corridors (page 68 of *The Wichita-Sedgwick County Comprehensive Plan*). On page 70, it talks about the important role that design review can play in providing "appropriate screening and landscaping" and "in some cases, such as to assist in the harmonious integration of multifamily development near low-density neighborhoods, consideration should be given to review of building forms and materials".

The Unified Zone Code also contains development standards for self-service storage warehouses located in the "GO" and "LC" districts. These standards represent policy for appropriate design of mini-storage warehouses when in close proximity to residential neighborhoods.

RECOMMENDATION:

The scale of the proposed development is very large in comparison to other similar developments and out of character with the single-family development to the north. A survey of 25 other local mini-storage facilities showed the size range to be from 1.77 acres to 7.41 acres, with the mean (average) size of 3.34 acres and the most common size around three acres. This request is for 18.67 acres, which is nearly three times the size of any of the other 25 storage facilities evaluated and six times as large as the average facility.

The freeway frontage, particularly the western portion of the site near the interchange, reduces the desirability of the land for single-family residences. However, a single family or "cluster" development with 40 to 50 units could potentially be developed on the eastern two-thirds of the site.

Another consideration in this decision should be traffic impact. The traditional use of Calvert as a residential collector and the proximity of the Calvert/West Street interchange should dictate that any additional traffic generation be minimized. Self-storage warehouse uses generate traffic that is roughly equivalent to single-family developments, so the proposed use meets that need.

Based on these considerations, planning staff recommends (1) that the project be redesigned to have an appearance in scale comparable to other warehouse developments and the scale of residential development, (2) that the site be developed in

conformance with the development standards in the Unified Zoning Code for self-service storage warehouses in the "GO" and "LC" districts (Article III, Section III-D.6.y) except for the access and contiguous zoning standards, and (3) that the underlying zoning be limited to "LC" Limited Commercial, and (4) that the design elements be refined to be more in character with the surrounding residential uses.

In addition, it is recommended that other residential uses at a maximum density of 6 units per acre be retained as permitted uses for the C.U.P. This builds in some flexibility that should the developer decide that it was not feasible to use the entire site in this manner, the property could be developed residentially. In particular, a clustering of homes along a cul-de-sac off Calvert, coupled with a strong landscape buffer along the southern boundary would offer a potential alternate use that is compatible with the nearby residences and is benefited by proximity to the elementary school.

Based upon these recommendations and the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-00003) to "LC" Limited Commercial, subject to platting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-258), subject to the following conditions:
 1. A general provision shall be added to state: "The C.U.P. shall comply with all requirements of Article III, Section III-6.D.y(3) through (19)."
 2. A general provision shall be added to state: "No outdoor storage of vehicles, equipment or supplies shall be permitted."
 3. Access points shall be as shown on the C.U.P. drawing with one full access point across from Calvert Court and one emergency access to the east.
 4. Improvements to Calvert and/or West Street will be determined at the time of platting.
 5. General Provision 5 shall eliminate all building signs on the north or east elevation of the property. Building signs shall be permitted on the south and west elevations; said building signs shall not exceed a total of 50 square feet, and use individual letters.
 6. The site plan shall be revised prior to submission to the City Council to reflect the scale of the single-family neighborhood to the north by breaking the site into several component areas. The component areas would reflect the rhythm of the residential street pattern by massing buildings that fall between the intersection points of the streets to the north. Each mass or grouping of buildings would incorporate exterior walls and landscaping for screening the site. The use of wrought iron fencing and evergreen screening would be utilized to reduce the visual mass to the scale of the neighborhood street pattern. The size of each grouping of buildings would be approximately 3.5 to 4.5 acres, typical of the scale of the majority of mini-storage warehouses in Wichita.
 7. General Provision 11(A) shall be clarified to state that the landscape plan shall provide a landscaped street yard along all property lines at a rate equivalent of a minimum of 1½ times that required by the Landscape Ordinance for sites with an average depth exceeding 375 feet, and shall include a minimum of one-third evergreen material. General Provision 11(C) shall add "a combination of trees and shrubs of varying heights shall be used to reduce the monotonous appearance of the exterior walls."
 8. General Provision 13 shall eliminate the use metal building panels as an exterior building material, and incorporate residential type materials typical to the neighborhood including brick, stone, masonry, stucco or synthetic stucco or wood. Roofs may be colored metal, and shall all be of a uniform gable style and color with a minimum 3:12 pitch.
 9. The maximum length of buildings on exterior property lines shall be 200 feet; building articulation shall be encouraged and have a regular rhythm similar to the scale of the adjacent neighborhood.
 10. During any construction phase, landscaping and screening shall be provided for any exposed interior building walls.
 11. A General Provision shall be added that reads, "Outdoor speakers and sound amplification systems shall not be permitted on the site."
 12. The development of this property shall proceed in accordance with the development plan and building elevations as recommended for approval by the Planning Commission and approved by the Governing Body. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 13. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

14. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
15. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
16. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-258) includes special conditions for development on this property.
17. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is predominately developed with single-family residential uses. The most directly impacted properties by the proposed development are single-family homes located north of the site. Cleveland Traditional Magnet School is located to the northeast and a large recreation site with the YMCA is located on the next tract to the east. South and west of the subject area is the I-235 and West Street interchange. There are commercial/industrial uses beyond that to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed in its current zoning of "SF-5", or with a clustered and/or more traditional single-family development, except for the western portion closest to the I-235/West Street interchange area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effects on properties from lighting, noise, and other factors should be mitigated by the requirements of the Unified Zoning Code and the Landscape Ordinance and the recommended conditions of approval for the C.U.P. The intended use is a low traffic generator with a manager that resides on the premises. The main problem is the scale. Unless the scale of the development is reduced, as proposed, the size of the development with on-half mile long continuous buildings greatly exceeds typical mini-storage facilities in proximity to residential neighborhoods as well as typical projects in other areas of Wichita.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Low-Density Residential" rather than commercial. This makes site design, visual corridor and scale considerations critical for the development to follow the policy guidelines for non-residential development when located near residential areas or along visual corridors.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities; street improvement needs will be reviewed at the time of platting.

GOLTRY, Planning Staff presented the staff report. District 4 Advisory Board met last night with 50-60 residents in attendance. They voted 32 in favor of the recommendation as contained in the staff report submitted to you two weeks ago. That was a recommendation in favor of zoning for LC, which you already took action on two weeks ago, and the recommendation included a request to reduce the scale of the project by requiring improved architectural site design. Members of the audience at the DAB expressed many concerns, most of them dealing with zoning of the property to LC for Limited Commercial uses more than dealing with site design aspects of the project. We have two e-mail letters that were received this morning in our office. I haven't had time to read through them. You have both copies of those letters in the back of your packet; they're both expressing opposition to the case. Issues that continue to be a concern to staff are use of types of materials that are neighborhood design materials rather than industrial. Roof pitch is an issue to discuss also.

JOHNSON Asked Donna about the DAB meeting, and if a majority of the members were opposed?

GOLTRY Indicated she had received 25 protest petitions, a couple of which may not be valid. Those neighbors are protesting the zoning.

JOHNSON So there was very little discussion on design?

GOLTRY Correct, the protesters are not wanting it, period!

JOHNSON Staff had recommended approval; the staff is opposed to what it looks like, but at DAB there was not a lot of discussion of what it will look like?

GOLTRY Correct.

BISHOP Could you define for me outside storage

GOLTRY Outside storage is defined in the zoning code. Includes building material, lumber, etc.

BISHOP I simply wanted to clarify the term.

GOLTRY One other issue is possibly free standing signage. We didn't say specify no signs. Should that be something we should add to the discussion today?

GAROFALO One of the conditions is no outdoor storage?

GOLTRY Correct.

HENTZEN Donna, when did we write the rules for outside storage? Storing RVs at residences is prevented by private covenant in many subdivisions. Now were saying your not going to be able to store RV's here?

GOLTRY They can store them, but it has to be in a closed garage.

HENTZEN I understand the overall standpoint in residential neighborhoods, but where do they put their outdoor storage?

GOLTRY There are many "GC" areas that allow outdoor storage.

BOB KAPLAN Applicant, 430 N. Market. Booklets were made for DAB, not MAPC, but you may be able to use them. On the wall she's talking about, the wall along Calvert, staff would like to see that building broken up. My client is unwilling to do that. If that's what we're told to do, we can do that. We would rather look at a screening wall than the interior of development. I don't understand that rational. The owner is insisting we have some kind of security. I can't use anything you can see through. They got to come in through the gated entrance. I can't combine staff desire for a look-through screen while the owner insists on security. I can put in chain link.

MICHAELIS I want to make sure I'm on the same page.

KAPLAN There's actually 3 points where the wall goes in and out.

MICHAELIS You're talking about the back of the building

KAPLAN Yes, the back of the building, it's a solid building. The buildings are inset.

MICHAELIS Okay, I thought that was a fence

KAPLAN The second point is the material. I don't see a problem with highway side. The buildings are offset at intervals. We're willing to use some kind of EIFS. We'll go with residential siding. Masonite is cheaper material. We'd be willing to do that. No point of doing the entire interior though. We can certainly do the residential siding. We were going to berm the building. Your going to have to tell me what you want, or I can't get it approved. The 3:12 pitch is a problem. These roofs are going to stick up in the air. Why would you want that? You wouldn't see the interior. I can't understand. The 3:12 pitch doesn't make any sense. We want to use the lower pitch roof. Last night we did have a lot of people. They were concerned about the zoning. My issues are with what staff wants. Those are basically the remaining issues. We did respond to staffs request.

HENTZEN What pitch did you want?

KAPLAN One-half to 12.

HENTZEN I thought you were after a lower pitch.

KAPLAN The point in 3:12 goes beyond screening.

HENTZEN I understand.

KAPLAN Why conceal them?

HENTZEN The 3:12 pitch is more similar to a residential pitch, I can understand why staff would ask for that.

KAPLAN Commissioner, I can understand the need for residential design here, but you don't have to look at the pitch. I'm not following staff's rational on it.

HENTZEN You think you are confused. We've had storage facilities before, but I never heard about pitch of roof. I'm kind of out of the deal.

KAPLAN Donna went around as part of her preparation and took pictures. The facility on Hillside has done more of a flat roof.

WARNER Are your plans to build this in phases if it gets approval?

KAPLAN Mr. Keeler tells me 18 months.

WARNER If it doesn't work, will he turn this over to someone else?

KAPLAN No, not as I understand, they are paying for the entire facility. Estimates are 18 months to complete.

GAROFALO Mr. Kaplan, what would the height of the wall be?

KAPLAN Exterior, what's proposed is to put the taller buildings on the exterior.

KEILER Twelve feet.

HENTZEN How long has this land been empty?

KAPLAN A long time, don't think it's ever been developed.

HENTZEN What will be the market value?

KAPLAN Yes I do, I don't know if I'm allowed to say. It's going to be in the 5-figure dollar range. It's going to be huge.

MICHAELIS Can you tell me how big it will be?

KAPLAN 280,000 square feet under roof.

MICHAELIS How big will individual units be and what will be stored there?

KAPLAN Household goods, basically small units. Everybody knows this already. There's a report from Bill McKinley.

KEITH GILMORE, 3922 Calvert, as far as the zoning, we as a group started out thinking the existing zoning permitted a home development. We'd like to stay with that. I don't know if the zoning has been changed. If we put all these roofs and all this concrete...with the ditch we have there, when we get heavy rain, it runs full. Water gets in the yards and basements in the area. Water causes problems already. We have a drainage problem. There is maintenance required on the buildings. We will have a ½ mile of building space. There will be an easement and their fence maintenance needs to be looked at relative to the dwellings located next door. What's going to happen 4-5 years down the road? We would wish to see single-family dwellings. They present fewer problems with traffic, trucks and trailers. West Street is already a problem with traffic. Calvert is a narrow street, not made to have traffic or people parking on both sides of streets. We as South Ridge Village request you deny this application.

TERRY SHARON, 3914 Calvert, Keith did address part of the traffic issue. I-235 is a few feet away from Calvert Street. West Street is a main street. It is very busy. There is already large vehicle traffic at that intersection. They come and go on the west side. Semis come-and-go in and out of there. What does a few more large vehicles mean? They will bring in larger trucks. It is a 24-hour facility, open day and night. We're just trying to envision this. The neighborhood is a people neighborhood. Across West street is a different story. We have walkers, joggers, kids, an elementary school adjacent to the YMCA; we are family oriented here. This is not a business place. We would like to see it stay that way. We have concerns over property value. The value of our homes will drop. If you have 18 acres of building, it's there no matter how much landscaping you have. If all the landscaping takes place, it will be a lot of upkeep.

MICHAELIS Time is up.

MOTION: Give the speaker two additional minutes.

BISHOP moved, **BLAKE** seconded, and the motion carried unanimously (12-0).

TERRY SHARON This facility will be open 24 hours with only one exit and there will be traffic coming at all hours of time of day and night. We heard the comment this is good compared to what could go into this area. It was zoned single-family residential housing. It is an option of a park in that area or maybe a combination of park and residences. I hope you will consider all of these things.

KAPLAN I respect the neighborhood's concerns and opinions. They don't want traffic. I understand that. At the same time, they argue for residential construction. You've got Bill McKinley's report. This project will generate 75 % less traffic than residential uses. Drainage is a platting issue. We don't have to engineer the project before it is approved. Maintenance, we're willing to go with steel siding. Zoning has been addressed previously. I'm sorry they weren't here for that meeting. This drainage ditch is 99 feet wide. For easy discussion, let me say it is 100 feet wide. You've got 50 feet of right-of-way for Calvert, and approximately 25 feet of building setback separation. There's quite a bit of separation.

BISHOP It seems to me fairly simple. This project is close to a residential area. We strive to create projects that are architecturally compatible. Hillside and Kellogg is a good example how they worked very hard to develop a storage area that fits with the neighborhood.

KAPLAN A very small project is expensive to build. It is just not possible. It's not doable on a scale for this. Donna and I have not gotten along well. You've read the staff report.

HENTZEN Mr. Kaplan, of the 17 requirements that staff put on there, are you in favor of all of them or some of them? If were going to make a motion we need to know what goes into it.

KAPLAN The only issue on condition number 8 is the north side of building. We do not what to do all 4 sides of build. The roof we want to go with is a low pitch. Item 9, we'll brake up the build in some configuration, but I've got to have some way to provide for security. We can hide it with landscaping. We can put chain link between the buildings. Really conditions 8 and 9 are of concern. I hadn't proposed doing anything on the interior walls. On the north side we would step the exterior facade down as the site permitted, do the insets, use very heavy landscape, and do the same on the I-235 side. We would use stone or brick columns. We'll accent that wall.

KROUT Could you respond to the concern to the acute angle of Calvert with the proposed driveways with respect to large trucks?

KAPLAN I took Mr. McKinley out there. We recognize there may need to be some street improvements such as southbound left turns. You wanted this access from Calvert Court. The neighbors don't want it at that point. We can slide it to the west. We only asked for one access.

JOHNSON Mr. Kaplan what size of vehicle do you see coming in this facility

KAPLAN Personal items, household goods, boats. We're not going to have outside storage, not a whole lot of huge trucks.

JOHNSON This thing is secured with lock gates. Someone will be there all the time.

KAPLAN What this client does, normally they use a card gate. The card access gate there's only one card, we'll make that very compatible.

BISHOP I wanted to clarify the screening to be used to break up that build?

KAPLAN That's the owners' intention. They just don't want wrought iron. Most of that wrought iron is hollow, not security just decorative.

BISHOP That would enable you to break up the façade?

KAPLAN Yes, with some kind of reasonability. If we can break this up, we'll be happy to do that.

HENTZEN Mr. Kaplan, look at number 10. It says: shall be provided for any exposed interior building walls during construction?

KAPLAN I didn't understand that, we want the project to be completed altogether.

HENTZEN I'll try to find out what it means.

KAPLAN I didn't like it, I didn't want to make an issue of it.

WARREN On the elevation that you provided us, I assume that this is on this...

KAPLAN Basically, except for the access, wrought iron, that's basically metal, we'll use an EFIS material.

WARREN This picture...

KAPLAN That is metal. If you want some other material...

WARREN On the I-235 side?

KAPLAN Yes.

WARREN I'm ready to make a motion.

MICHAELIS We are not ready.

WARNER Back on this item number 9, I'm not so sure this is needed if the wall is stepped back?

KAPLAN That is what we've done here, 50, one 50 foot steps-in, one 50 foot steps-out.

WARNER You've broken that line.

BLAKE What are you going to do with drainage in that area?

KAPLAN We talked about onsite retention / detention. Whatever the Engineering Department requires. The neighbors seem to like this drainage way. I'd like to put drainage out there.

BLAKE Thank you.

BISHOP Question about what was brought up at DAB.

KAPLAN No signs on Calvert Street.

BLAKE I would like to speak to Donna. Just want an answer, how did DAB feel about this?

DONNA Five members were present; 3 in favor, 2 against.

MOTION: Approve as presented, except delete Item 8 and replace with permission for an EFIS system on the north wall; the I-235 wall is to be as described except metal is permitted; exterior facades are limited to 12 feet in height; signage is prohibited along Calvert; items 9 and 10 are deleted; there is to be flexibility in the location for the driveway and the site is to be developed in general conformance with the site plan.

WARREN moved, **COULTER** seconded the motion.

KROUT Part of our difficulty has been trying to read these drawings and understand the intent; you can see they are not drawn to proper scale.

WARREN Clarified some issues with his motion regarding height, signage and driveway location.

KROUT You're basically saying the wall is 12 feet tall?

WARREN Right, I would also include the roof be hidden.

MICHAELIS That's not a wall, that's the back of the building.

JOHNSON Also this drive needs to be looked at.

MARNELL I just need to disclose that I am on the YMCA Board.

BISHOP When this came up last month, I made the motion to defer the case. As a result I think we confused the situation by separating the zoning case from the CUP request. This is now difficult to deal with where the zoning is concerned since the zone project has already been approved. But, I wanted to make that clarification today. Shame on us.

The vote on the motion passed 10-2. (BISHOP and BLAKE opposed)

3. Consideration of Subdivision Committee Recommendations

items 3-1 to 3-7 were taken in one motion

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

3-1. SUB2002-86 – Final Plat of GRANDVIEW COUNTRY ADDITION, generally located on the southwest corner of 53rd Street North and 215th Street West.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A road profile is required on 53rd St. to determine back water elevations in floodway reserves. An additional drainage easement is required between Lots 8 and 9 of Block 1. A final lot grading plan is needed.**
- D. Complete access control has been platted along 215th St. West for Lot 1, Block 2 and Lot 2, Block 1. **A private drive may be constructed within the right-of-way for Lot 1, Block 2, and Lot 2, Block 1. The private drive shall be removed upon the construction of 52nd Street North.**
- E. The applicant shall guarantee the closure of the existing driveway opening to Lot 1, Block 2 along 215th St. West.

- F. The applicant shall guarantee the installation of the proposed street to the 32-ft rock suburban street standard. The street shall be approved and accepted by the county/township prior to the application and/or issuance of any building permits for individual lots.
- G. Access drives to structures in excess of 150 feet from the edge of the road are to be installed by the owner/builder and accepted by the fire department prior to the issuance of the building permit. Said drives are to be installed according to fire department specifications (20 feet wide with applicable turnaround with an all-weather surface able to withstand the weight of heavy apparatus in inclement weather).
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 7 and 8, Block 1. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **The Subdivision Committee has approved a modification.**
- I. The **County Fire Department /GIS** needs to comment on the plat's street name. **The street name is approved.**
- J. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **The Subdivision Committee has required a 20-ft perimeter utility easement along the rear of the lots.**
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: Approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

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- 3-2. SUB2001-113** – Final Plat of DOVE HAVEN ADDITION, generally located on the north of 71st Street South and on the east side of 151st Street West.
- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact the **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
 - B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
 - C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning

Department for recording.

- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan and master lot grading plan is needed. The Soil Conservation District will need to review terraces and drop structures.**
- E. **County Fire Department** has advised that the streets need to be installed and approved prior to any construction being permitted or building permits being issued.
- F. Access drives to structures in excess of 150 feet from the edge of the road are to be installed by the owner/builder and accepted by the fire department prior to the issuance of the building permit. Said drives are to be installed according to fire department specifications (20 feet wide with applicable turnaround with an all-weather surface able to withstand the weight of heavy apparatus in inclement weather).
- G. The applicant shall guarantee the installation of the proposed streets to the 36-ft rock suburban street standard.
- H. The street guarantee shall include the installation of a temporary turnaround at the terminus of Hannah. On the final plat tracing, the platlor's text should indicate that the vacation of the temporary turnaround area will be effective upon extension of the street.
- I. On the final plat, the contingent dedication of right-of-way needs to be referenced in the platlor's text as follows, "The contingent dedication of street right-of-way shall become effective upon the platting of any adjacent subdivision having a street connecting thereto. The costs of constructing said street, are to be borne by the person(s) or agency that owns said adjacent subdivision."
- J. On the final plat, the MAPC signature block needs to reference "J.D. Michaelis, Chair".
- K. The **County Fire Department/GIS** needs to comment on the plat's street name. **The street name is approved.**
- L. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- M. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, HENTZEN seconded the motion and it carried unanimously (12-0)

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- 3-3. **SUB2001-131-** Final Plat of FOSSIL RIM ESTATES, generally located on the southwest corner of Tyler Road and 29th Street North.
- A. As this site is adjacent to Wichita's City limits, the Applicant shall submit a request for annexation. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted. The final plat shall not be scheduled for City Council review until annexation has occurred.
 - B. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
 - C. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. **This shall include fees in lieu of assessment regarding extension of water main at time of construction.**
 - D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - E. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. An off-site drainage easement is required.**
 - F. **County/Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **County Engineering recommends the annexation of 29th Street.**
 - G. Complete access control needs to be dedicated along the plat's frontage, with the exception of one opening for Lot 1, Block B. **The opening shall be located within the south 50 feet of the lot.**
 - H. A restrictive covenant shall be submitted that permits future cross-lot access between Lot 1, Block B and the abutting property owner to the south if that property develops as an office-zoned use.
 - I. The applicant shall guarantee the paving of the proposed interior streets. For Reserve B being platted for a private streets, improvements shall be guaranteed for construction to a public street standard; however as private improvements, guarantees cannot be provided through the use of petitions. This guarantee shall also provide for sidewalks along one side of Pepper Ridge and Meadow Park.
 - J. A covenant shall be submitted regarding Reserve B, platted for private street purposes, which sets forth ownership and maintenance of the private street, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private street purposes and shall state which specific lots are to be accessed by the reserve.
 - K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's north property line and driving surface for 29th St. North.
 - L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
 - M. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
 - N. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
 - O. The **City Fire Department/GIS** needs to comment on the name of the private street. **GIS has requested that the west portion of this street extending from Pepper Ridge to Lot 7, Block A, be renamed Meadow Park.**
 - P. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
 - Q. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.

- R. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- S. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy requests additional easements.
- BB. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

- 3-3. SUB2002-17 – One-Step Final Plat of HOLT ADDITION, generally located on the south side of Central Avenue, west of Greenwich Road.**
- A. The site is currently served by on-site sewer. A memorandum shall be obtained specifying approval of on-site sewer services from County Code Enforcement.
 - B. City Water and Sewer Department requests a petition for future extension of sanitary sewer services. In the event the applicant proposes to extend City sewer at this time to serve the property, a petition shall be provided.
 - C. City Engineering needs to comment on the need for easements for public sewer.
 - D. The applicant shall contact the County Fire Department to discuss the extension of fire protection water onto the site.
 - E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - F. County Engineering needs to comment on the status of the applicant's drainage plan. A drainage plan is needed.
 - G. The applicant is advised that this site is located within the County and will also be heard by the County Commissioners. Therefore, the appropriate signature block needs to be included on the final plat tracing.
 - H. The Applicant is advised that if platted, the building setback must be 25 feet to conform with the Zoning setback standard for County section line roads (85-ft from centerline of the road).
 - I. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration,

proof shall be provided indicating that all applicable property taxes have been paid.

- J. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

- 3-5. SUB2002-09** – One-Step Final Plat of W.J.R. ADDITION, generally located on the northwest corner of MacArthur Road (39th Street South) and Webb Road.
- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact the **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.

The size of both lots does not meet the 4.5 acres required by Subdivision Regulations/Zoning Code for lots served by sewage lagoons. A modification will need to be approved by the Subdivision Committee and an administrative adjustment also will need to be approved. **A modification on lot size has been approved.**
 - B. The site is currently located within the Rural Water District No. 3. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
 - C. A restrictive covenant shall be submitted that limits the property to residential uses as long as on-site sewerage facilities are used.
 - D. **City Water and Sewer Department** requests a petition for future extension of City water and sewer services.
 - E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - F. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan is needed. A cross-lot drainage agreement may be needed.**
 - G. **County Engineering** needs to comment on the need for access controls. The plat proposes three access openings along

Webb and one opening along MacArthur. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text. **County Engineering has required complete access control to Webb Road from Lot 2. 150 feet of complete access control along MacArthur is required from the intersection.**

- H. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- I. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- J. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

3-6. ~~SUB2002-15-~~ One-Step Final Plat of CHADSWORTH PLAZA, generally located north of 21st Street North, on the east side of Maize Road.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **An off-site drainage agreement is needed. Minimum pad elevations need to be platted.**
- D. Complete access control has been dedicated along Maize Road with one opening for a proposed new street.
- E. **To obtain sufficient width for a business/industrial street, Traffic Engineering has requested that the drainage and utility easement abutting the street along the south be relabeled as a "street, drainage and utility easement".**
- F. The plat's text shall note the dedication of the street to and for the use of the public.

- G. The Applicant shall guarantee the paving of the proposed street.
- H. As commercial lots abutting a non-arterial street, the Subdivision regulations require a sidewalk along Maize Road Court.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the two approved Protective Overlays and their special conditions for development on this property.
- L. The City Fire Department/GIS needs to comment on the plat's street names. **Maize Road Court should be relabeled as Maize Ct.**
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of storm water.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

3-7. **DED2002-06-** Dedication of Access Control, generally located between Terrace and Pershing, north of Central.

OWNER/APPLICANT: W. G. Enterprises, LLC, C/O William G Farha II, 8100 E. 22nd Street North, Bldg. 1700-2, Wichita, KS 67226.

LEGAL DESCRIPTION: Lot 663 except the east 15 feet and Lot 664, Overlook Addition to Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-50, and is being dedicated for access control along Central.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously (12-0)

4. **ZON2002-00005** – Bernad E. McKittrick request Zone Change from “SF-5” Single-Family Residential & “LC” Limited Commercial to “LC” Limited Commercial on property described as:

A tract of land in the NW 1/4, Sec. 33, T27S, R2E of the 6th P.M., Sedgwick County, Kansas, described as follows:

The north 2.5 acres of the south 5 acres of a tract beginning at the NW corner of the NW 1/4 of said Section 33; thence east 441.83 feet, thence south 995.85 feet; thence west 441.6 feet; thence north to the point of beginning; except the west 50 feet for road right-of-way. Generally located approximately 550-feet southeast of the Harry Street – Webb Street intersection.

BACKGROUND: The applicant requests a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial on the southern 2/3rd of a 2.25 acre unplatted tract located approximately 550-feet southeast of the Harry Street - Webb Road intersection. The northern 1/3rd of the property is currently zoned “LC” Limited Commercial. The applicant wants the whole tract to be “LC” Limited Commercial. The applicant proposes to market the property for an unspecified commercial use. There is a residence on the property.

The site's location is abutting extensive commercial development at this intersection.

The northwest corner's “LC” Limited Commercial zoning is approximately 6.23 acres (all acreage is approximate) and contains a Super Dillions with a 5 double pump gas island. North of the Dillions there are 1.6 acres of undeveloped “LC” property. The 0.59-acre northeast corner has a bank on it, followed by (going north from this site) a 1.89-acre supper club, liquor store, beauty shop and 2.24 acres containing a retail strip; all zoned “LC” Limited Commercial. North of these commercial developments there are single family and duplex developments. The southwest corner contains a 1.34-acre Walgreens and a 1.54-acre McDonalds; all zoned “LC” Limited Commercial. There is undeveloped “LC” Limited Commercial south of these developments and “GO” General Office zoning. The “LC” Limited Commercial zoning, which is southwest of the site, was approved subject to a restrictive covenant limiting it to “BB” Office zoning uses and a car wash. “BB” Office zoning is now “GO” General Office zoning. This property owner has applied for “LC” Limited Commercial zoning along with the southern abutting property. The properties directly north of the site and southeast of the intersection are a 1.03 acre Quick Trip and a ¾ acre taco/fast food drive through. There is extensive single family and multi-family residential development in the area.

CASE HISTORY: The site is unplatted. The northern 1/3rd of the property zoned “LC” Limited Commercial represents a portion of the original 600-foot by 600-foot square of commercial nodes established at the four corners of sectional roads in the 1958 Zoning Map of Sedgwick County. The applicant applied for a zoning change of “LC” Light Commercial from “SF-5” Single Family Residential on this property 07-18-91, SCZ-0630. The applicant did not have a specific use at that time and the nearby areas zoned “LC” had not been substantially developed. Staff did not recommend the request for the zoning change and the request was denied by the MAPC. “LC” Light Commercial zoning became “LC” Limited Commercial in 1996, per ordinance and resolution.

ADJACENT ZONING AND LAND USE:

NORTH:	“LC” Limited Commercial	Fast food, convenience store
SOUTH:	“SF-5” Single-Family Residential	Residential
EAST:	“SF-5” Single-Family Residential	Not developed
WEST:	“SF-5” Single-Family Residential	Not developed
	“LC” Limited Commercial	Fast food
	“GO” General Office	Not developed

PUBLIC SERVICES: The site has access to Webb Road, classified as a 4-lane arterial. At this location it currently has 4-lanes. The traffic counts at the Webb Road – Harry Street intersection are 20,932 ATD on the east end of the intersection, 18,731 ATD on the north end of the intersection, 13,792 ATD on the west end of the intersection and 10,275 ATD on the south end of the intersection. The intersection is 4 lanes with a turn lane and decel lanes. Access onto Webb, including aligning access with the property across the street and determining the need for any additional turn lanes, and the need for cross lot access to abutting properties, can be addressed as part of the platting process. Public water and sewer are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Commercial” development. Commercial development includes convenience centers, neighborhood centers, and large-scale retail. Convenience centers require 4-5 acres and are located along the intersections of arterials, where proper turn lanes are in place or planned to allow access to the immediate neighborhood. This site qualifies for commercial development according to current policy and plans.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding properties are zoned "LC", "GO" and "SF-5" and are rapidly developing with the Webb Road – Harry Street intersection providing controlled access to the commercial development on its 4-corners to the immediate single family and multi-family development around it. The properties with commercial development offer a supermarket, fast foods, a convenience center, a restaurant – club, a retail strip and other businesses that are on 6 acres or less sites. There are also some vacant/undeveloped tracts.
2. The suitability of the subject property for the uses to which it has been restricted: The southern 2/3rds of site is zoned "SF-5" Single-Family Residential and the northern 1/3rd "LC" Limited Commercial. "SF-5" Single-Family Residential zoning accommodates low-density, single-family residential development and complementary land uses. "LC" Limited Commercial accommodates either small commercial development offering service to the immediate neighborhood and up to large-scale retail areas offering regional services. The site could be developed for either low density residential or small commercial development, although it is less attractive as residential unless included in a larger residential subdivision. Conversely the narrow configuration of the section of the site that is "LC" will severely limit its commercial development options.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the lower intensity residential area to the east and south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The zoning change request is in conformance to the Comprehensive Plan and policies.
5. Impact of the proposed development on community facilities: Traffic volumes will increase. At the time of the platting traffic improvements and access control will be addressed. All other public services are available or readily accessible.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **BLAKE** seconded the motion, and it carried unanimously (12-0).

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5. **DR2002-02** – The City of Wichita requests Consideration to amend the Unified Zoning Code Article III.C.4., the "OT-O" Old Town Overlay District, and to establish special sub-districts of the "OT-O" with modified standards to recognize their unique characteristics on property described as;

Properties which would be affected by the proposed zoning code amendments are those in the existing "OT-O" and those north of the existing "OT-O", generally between 2nd Street North and 3rd Street North, and between Washington and the BNSF Railroad tracks."

BACKGROUND: This directive is to amend the Unified Zoning Code Article III.C.4, the "OT-O" Old Town Overlay District. The purpose of the proposed amendment is to recognize special sub-districts of the "OT-O", and to then make modifications to some of the standards in recognition of the special sub-districts' unique distinctions from the remaining "OT-O" district. Attached to this staff report is a delineated copy of Article III.C.4. The delineated copy presents proposed amendments as underlined, and proposed deletions are presented as lined through.

The purpose and intent of the proposed special sub-districts is to be consistent with the purpose and intent of the existing OT-O. The proposed sub-districts are a Theater sub-district (OT-O/TH) and a Northeast End parking sub-district (OT-O/NE); the attached delineated article fully explains the two sub-districts.

The intent of the Theater sub-district is to provide flexibility in building design, material, and signage standards; flexibility that recognizes all new construction within the Theater sub-district, and flexibility that recognizes the objective of a "high energy", planned entertainment district. The intent of the Northeast End sub-district is to recognize limited parking circumstances. Buildings in this sub-district cover most of the lot area, with little land available for parking and no plans to develop public parking. The proposed sub-district therefore relaxes some parking standards in order to encourage redevelopment while preserving the existing buildings.

The Old Town Overlay District currently has its northern boundary at 2nd Street, with the exception of a few "OT-O" "islands". If approved, this request would facilitate expansion of the "OT-O" onto properties between 2nd and 3rd Street, if and when property owners in this area apply for the Old Town Overlay. Many of these properties between 2nd and 3rd Street are under utilized and ripe for development. Likewise, many of these properties between 2nd and 3rd Streets are under unique conditions which make them different than the existing "OT-O" to the south.

The proposed amendment also recommends several modifications to the "OT-O" text which would apply to all properties within the existing "OT-O". These modifications include recognition that existing buildings within the "OT-O" are five and a half stories in height, and therefore proposes that new buildings or building additions be restricted to five and a half stories in height, as opposed to the current height restriction of four and a half stories or 50 feet. Other proposed modifications include the encouragement of *preserving* faded "ghost" signs on brick exteriors, as opposed to the current standards which encourage the *repainting* of "ghost" signs.

CASE HISTORY: The City Council has approved a development agreement for shared improvements and shared costs in construction of a theater district for property potentially affected by the requested amendment. The City and developer have requested a zone change (ZON2002-00007) to expand the "OT-O" onto this property.

Property located on the east side of Mosley and north of 2nd Street received a zone change expanding the "OT-O" onto that site in October of 2001; that site was placed under a Protective Overlay (PO# 103) dealing with special parking conditions. The requested amendment would make PO# 103 no longer necessary; if the requested amendment is approved, PO# 103 could then be removed at some future point in time.

ADJACENT ZONING AND LAND USE (to the potentially affected area):

NORTH: "LI" Limited Industrial; warehouse and commercial
SOUTH: "LI" Limited Industrial; warehouse and commercial
EAST: "LI" Limited Industrial; warehouse and commercial
WEST: "LI" Limited Industrial and "CBD"; BNSF Railroad tracks

PUBLIC SERVICES: All normal public services are available to the potentially affected area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" does not specifically address the Old Town area, but refers to the "Development Plan for Downtown Wichita" (June 1989). Similarly, the Downtown Plan does not provide specific land use recommendations for the area, but identifies the area north of Douglas as the "Old Town/Rock Island Rehabilitation" challenge. The Downtown Plan includes a goal of mixed-use development, with the objective of introducing recreational activities to areas that are underutilized.

RECOMMENDATION: The proposed amendments to the "OT-O" section of the Unified Zoning Code would facilitate the development of properties north of the existing Old Town, with the benefits and character of the existing Old Town, and yet recognize unique circumstances associated with these properties and proposed developments. Staff finds that this request is in conformance with the adopted Development Plan for Downtown Wichita. Based upon information available prior to the public hearings, planning staff recommends that the proposed amendment to the Unified Zoning Code Article III.C.4, the "OT-O" Old Town Overlay District, be APPROVED.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **ANDERSON** seconded the motion, and it carried (11-0-1). **WELLS** abstained.

6. **ZON2002-00007** - The City of Wichita, c/o Allen Eichacker, Property Management; Cinema Old Town LLC, c/o Dave Burk request Zone Change from "LI" Limited Industrial for expansion of the "OT-O" Old Town Overlay District for the purpose of creating a theater sub-district of the "OT-O" on property described as;

All of Lots 1 and 2, 5 th Avenue, now Santa Fe Avenue, and all of Lots 2 thru 10 Mead Avenue, in Howe and West Subdivision; All of lots 37, 39, 41, 43, Mead Avenue, East Wichita Addition; And, all of Lots 1 thru 8 and the South 25 ft. of Lot 9, Block A, H.L. and A.M. Taylor Addition, all in Wichita, Sedgwick County, Kansas. Generally located between 2nd Street and 3rd Street and between Rock Island Avenue and the BNSF Railroad tracks.

BACKGROUND: The applicants' request expansion of the "OT-O" Old Town Overlay district onto the "LI" zoned application area for the purpose of creating a theater sub-district of the "OT-O". If approved for the overlay district, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning.

This proposed theater sub-district of the "OT-O" is recommended to have some design and signage standards different than those of the remaining "OT-O" district; these differences would recognize the unique differences of all new construction for a "high-energy" entertainment district. An associated case, DR2002-00002, proposes amending the "OT-O" portion of the Unified Zoning Code, making the theater sub-district and it's modified standards possible. These differences would include allowing a theatre marquee sign to be backlit, made of materials to include plastic, and larger than those signs permitted in the existing "OT-O" district. The theater sub-district would also allow flashing and moving signs, and use of synthetic stucco as an exterior building material when subordinate to brick or other more traditional building materials. The theater sub-district would retain the design review process required for the existing "OT-O" district, ensuring the desired character and quality of the district.

The 7 acre site is mostly vacant with a few industrial warehouse buildings. The application area does not possess the distinctive historic character of the existing "OT-O" to the south. The applicants intend to redevelop the entire site as a theater sub-district of the "OT-O" anchored by a six screen cinema. The development will vacate a portion of Moore Avenue, and will create a large public

plaza between Moore and Meade. The plaza will include sculpture, a fountain, light features, and will be enclosed by new commercial buildings, structured parking, and the cinema marquee (see attached site plan).

The Old Town Overlay District currently stops at 2nd Street, with the exception of a few "OT-O" "islands". If approved, this request would push the "OT-O" district a full block north to 3rd Street. All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

CASE HISTORY: The attached design concept was approved by the Design Council, an advisory board to the City Council on the aesthetics of public and publicly-supported projects.

ADJACENT ZONING AND LAND USE:

NORTH: "LI" Limited Industrial; warehouse and commercial
SOUTH: "LI" Limited Industrial; existing "OT-O" district
EAST: "LI" Limited Industrial; warehouse and commercial
WEST: "LI" Limited Industrial; BNSF Railroad tracks

PUBLIC SERVICES: All normal public services are available. 2nd Street is a westward one way street with a 65 foot right of way, a March 2001 traffic count of 8,510 ADTs (average daily trips) and a 2030 traffic count projection of 9,569 ADTs. 3rd Street dead ends at the railroad tracks and has a 50 foot right of way. Moore Avenue is not a through street and has a 35 foot right of way; Meade is a through street with a 60 foot right of way.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" does not specifically address this area but refers to the "Development Plan for Downtown Wichita" (June 1989). Similarly, the Downtown Plan does not provide specific land use recommendations for the area, but identifies the area north of Douglas as the "Old Town/Rock Island Rehabilitation" challenge.

The Downtown Plan includes a goal of mixed-use development, with the objective of introducing recreational activities to areas that are underutilized.

RECOMMENDATION: The "OT-O" designation assists in redevelopment of the property in that it reduces the amount of on-site parking that would otherwise be required for the proposed use; and the "OT-O" designation ties the proposed development to the character of the established Old Town district. Although not currently proposed, the "OT-O" designation would allow the application area to introduce residential development, which would otherwise not be permitted in the "LI" district. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The application area would be a contiguous extension of the existing "OT-O" district to the south. All other nearby properties are zoned "LI" Limited Industrial and used for commercial or industrial uses. The properties surrounding the application area are part of the larger original warehouse district and still have some active commercial and industrial uses.
2. The suitability of the subject property for the uses to which it has been restricted. The property is zoned "LI" Limited Industrial, which permits nearly all uses except residential. The site could be used for currently permitted uses; but continued success and interest in the Old Town area makes this property well suited for a contiguous expansion of the existing Old Town.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed development will result in increased parking demand and traffic volumes; however, the applicant's proposal for parking and street improvements appears to adequately handle those anticipated increases.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The requested change supports the Downtown Plan by encouraging more and diverse recreational uses in the Downtown area, and by re-using this site within the warehouse district.
5. Impact of the proposed development on community facilities: An increase in parking and traffic will occur. However, the proposed development includes substantial additional parking in the form of a public parking garage, toward which the applicant will contribute monthly parking fees, as do many property owners in the existing Old Town district. Street rights-of-way with planned improvements should be adequate to provide traffic circulation.

MOTION: Approve subject to staff comments, as modified.

HENTZEN moved, **ANDERSON** seconded the motion, and it carried (11-0-1). **WELLS** abstained.

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7. **DR2002-06** – The City of Goddard seeks the annexation of properties located at various locations adjacent to or near the City of Maize.

MOTION: That item #7 be consistent with the Comprehensive Plan.

BISHOP moved, **BLAKE** seconded the motion, and it carried unanimously (12-0).

8. Review of County Policies on alternative sewage systems for rural lot development. Presentation by Irene Hart.

IRENE HART, Sedgwick County Division of Community Development, they way I'd like to progress today is more or less the way we did at the retreat where I'd given an introduction to the issue, Jim Weber, knows this stuff much better than I do, then I'd come back and walk through the policy with you. Sedgwick County started looking at this alternative sewer system following the Comprehensive Plan, which followed the Citizens Task Force. One of the major issues is the barrier to orderly growth created by the 5-acre tract. We learned about this new technology that it's an improved technology. It gave some new solutions to some old problems. We put together a work group over the Summer made up of Planning, Health Department, KDHE, Builders, Sewer, all kinds of folks to look at these alternative technologies and come up with some policies for their use. We worked hard to come to some conclusion but the product wasn't particularly a good one, so we reformed a few months later and came up with a work product that was distributed to you in your mailing and presented to the County Commission last month. They said they would be interested in comments from the MAPC, so luckily you had a retreat last Friday, so we presented last Friday. You asked us to be on the agenda today, so were back today with essentially the same dog and pony show. We have gotten a little bit more information. What I will do with your comments is take them back to the County Commission and wait for their direction as to what the next steps are. I guess I'll turn it over to Jim.

MICHAELIS Any questions for Ms. Hart?

JIM WEBER Deputy Director of Public Works for Sedgwick County, I apologize to those of you who had to listen to this last week because it won't change much. I'll run through this briefly. I'll be happy to answer any questions that you have really anywhere toward the end. The County's objectives include looking at alternative wastewater treatment systems. Essentially, we are interested in the protection of surface and groundwater resources. These would provide tools to improve conditions in existing and unincorporated communities that have failing onsite systems. We are interested in reducing the consumption of rural land.

The typical components of one of these systems involves putting what they call a STEP tank on your home site. STEP is an acronym for a "Septic Tank Effluent Pumping Tank". That goes through on a general system into a small diameter water force main to collect the pretreated effluent from all the home sites in an area and then that is piped through a water force main to the community treatment system approved under KDHE and EPA regulations for final treatment to be provided. (Referred to slides). Most of the systems that we are seeing are two compartments in the septic tank. The wastewater comes into the first compartment where you have sedimentation of the solids moving to the bottom of the tank. You have lighter waste rising to the top of the tank, and you create a clear zone in the middle, of typically 50 feet, on the tanks for each home. They are designed with 3,000 gallons of extra capacity in the tank. Wastewater moves from the first compartment to the second compartment where the pump system is. There are sensor switches in here. When the water reaches a certain level, the pump comes on and kicks it out into the small diameter force main down the road and then a large community tank just collects the water from the next house and the next house. It's not tied to gravity. You can use it in all areas. You can use it around lakes, which we do have up along the river or whatever. The pumps in here are essentially submersible, and use power to pump wastewater into the general system. All the parts are relatively simple and easy to work on. The power is generally provided by the home itself and the control panel needs to be relatively close by.

When you get down to the end of the force main. A typical treatment system is going to have a large tank, which is used to collect all the wastewater from the community. You have a reticulating sand filter. These are about 3 feet deep and built from the ground level down, with a liner on the bottom to recirculate the water back into the main tank. About 20% of the flow that is going through that recirculating system is discharged. The pump runs 5 times to discharge all the water, either to a receiving stream where disinfections is required, or to a lateral field which basically could be used where there is no receiving stream available.

The recirculating sand filter is made up of layers of sand and gravel at the right gradations, 3 feet deep. (Referring to slides) At the bottom you can recirculate and dump it back into the tank. The pump picks it up and brings it back to the top pipe, buried just below the top of the sand. This is a 1-inch diameter pipe with a hole in it at about every foot. There is a cap on the hole facing up so when the pump is on, if you did not have any sand there, or the cap there, you would have water spurt out. We put the cap on it to disburse it out into the sand. The whole trick to this is that you run the pump for some period of time and then you let the whole system sit and rest and trickle down through the sand and filters. You have air oxygen available and the bacteria that are doing the treatment are actually attached to the sand and the gravel in the filter, and clean it up as it goes through. About 20% is discharged. **out** either to the creek or to the lateral field every time it recirculates. This is the same type of pump, very simple. It does not take much of a pump to do this and this is all built at grade.

An example of this is Elkton, Oregon (slide) where a community system was installed to serve 135 homes. Here, a filter measuring 60' x 80' RSF was needed. This system used a lateral field of 11,000 square feet to treat the water for an entire town. To talk a little bit about effluent quality, we have found a paper that has been written by Ventura Regional Sanitation District in California. This is a district that serves 8 California communities. They actually went out and set up a test bed where they put a standard septic system in above ground, and diverted water to 6 alternative systems, where they fed all of those with identical loads from the same sewage source, so they used the same known water for the 3-month test.

	<u>B.O.D.</u>	<u>Suspended solids</u>	<u>Ammonia</u>
Standard	158 mg		20

Arenco	4.6 mg		1
Community			
STEP system			
Published	3.8	6.4	9.8
Standard	<45	<15	

They showed the cover sheet and executive summary of the venture report where they concluded that the effluent from the alternative systems was similar to that of publicly – operated treatment works, or plants.

The nitrates are an issue. The standard system shows 10 mg per liter, and the Arenco shows 3 mg/1 of effluent.

WARREN One thing you pointed out to us last Friday was the fact that this system is pressurized rather than gravity, making it much more effective. With the pressurized system, you save up a large volume of water and hit the entire field with it at once. All the field will get water rather than causing water logging at the source, as with the gravity based system.

WEBER That is a good point. The lateral system on a standard septic system is a 4-inch diameter PCV pipe that has holes in it. It's all gravity, and runs out of the tank. Every time you run 2 gallons of water in the house, 2 gallons come out at the end of the tank and go into a lateral field. If we put in 1,000 feet of lateral, the water doesn't care; it goes out and drops off at the earliest place that it can. What you tend to have is saturation of the lateral field up near the outfall of the tank and you get a dry field everywhere. These systems are pressurized, and what they do is save up a certain volume of waste water and they are going to hit that whole field with it, dump it at once for the whole system. If we have a 1,000 feet in this case out there, all thousand feet are going to get water in them and we are not going to saturate the soil with this. I think that is an important thing. That's one of the reasons they work better. Instead of having a short circuit right at the front end, we use more of the system. I appreciate you bringing that up.

BLAKE You were talking about the clay. What if you have just clay and let's say a pump quits? What if the pump fails?

WEBER The pump quits and you have clay? It doesn't matter what kind of soil you are in. If the pump quits, the systems on the onsite system are typically built with 3000 gallons of extra capacity, and that's one day for a typical family. They can be set up with alarm systems; somebody comes out and fixes the pump.

BLAKE Is someone going to monitor these systems?

WEBER Well, we are looking at setting both situations up in a County sewer district. If we have a community system, it would be stand alone sewer district that would be incorporated into a master district. You can outfit these with dial-up monitoring so that you can get a daily report of any problem. We are looking at the same kind of thing with scattered on-site systems; putting those into a scattered sewer district where maintenance would be handled by contractors through the County or any government entity.

BLAKE But somebody is going to be monitoring it. Someone will have to monitor these systems.

WEBER Somebody needs to go out every year, open it up, check the level of solids in the tank, check the level of the scum on the top. Probably every 10 years someone needs to go out and pump these; more often, if needed. So what we are looking at is providing a higher lever of maintenance and monitoring than you get now with onsite systems, which is nothing. Today on a septic system, nobody looks at it until you are ready to sell the house.

BLAKE It just seems like a lot of expense for somebody.

WEBER We are not doing this because it's cheap.

BLAKE I know that.

HENTZEN Jim, the rules now on present septic tanks or private lagoons at a house now have certain distances from the side property and from the house depending on which side you put it on. It appears that the restrictions for space needed around a tank would have to be reviewed, because you would not need those rules on where you put it on your property if you have water wells. Am I on the right track?

WEBER I agree with you that it needs to be reviewed. I don't know that we would want to go without any restrictions on locations on the onsite self-contained systems. On the community systems, where basically you just have the tank and the yard and it goes off to a publicly operated treatment facility, there still should be some restrictions. The concerns there would be having space around the tanks to get in to do work on them, but they would be less severe than for septic systems.

HENTZEN This presentation we are looking at today is for individual residences or whatever. It's not for community systems. Is that right?

WEBER I've tried to cover both. Maybe I haven't done a good job. I think the confusion is that they are very similar. They start out with the same tankage in the yard and the onsite system. If you were out by yourself at one location we'd put in a lateral field right there on the site. If not, if it's a community system, then we hook that into a force main that gets buried 36 inches deep and runs down the road and picks up a number of houses and goes to another site where we have the recirculating sand filter.

HENTZEN On that Community System you mentioned or showed pictures on, I'm anticipating someone will come in with 100 or 200 lots is that what your saying is in the system?

JIM WEBER That's right. Anything over 1.

BISHOP You are going to have to clarify that for me. The presentation that we had last Friday, as I understand it, was for community systems, and that includes the treatment which is the recirculating sand filter with a lateral field, correct?

WEBER Could be a lateral field or it could be discharged to a stream.

BISHOP Okay. The individual system, does that not include the recirculating sand filter or just a smaller version of it?

WEBER Smaller version. Another thing that I've left out.

BISHOP I didn't know if it was just a fancier kind of lateral.

WEBER There's a unit that would go on the single system, maybe the size of one of these tables here, which also gets buried level with the ground and which takes the place of the circulating sand filter. It has a plastic textile that's revertible. You have that spray system going on just on the one site before it goes out into the lateral field. That is the system that gives you the numbers that were looking at here.

BISHOP Let me follow up and ask you to clarify for me what is the County's proposal at this time. Is it for a policy that would be for both, or just Community?

WEBER The policy I think you are looking at today is only on the Community Systems.

WARREN We discussed the other day the cost as a comparison between the typical septic tank versus this system. Would you elaborate a little bit on that?

WEBER This would be more expensive than any of the in-site systems that we are using. First of all, you have a power cost that's ongoing to the homeowner, not much, but it is a power cost. Secondly, to put these under management of a sewer district, there are going to be contracts out for folks to do the maintenance work and to do the monitoring. We haven't put together exactly what the numbers are but other places you will see numbers that probably could be as high as \$20-\$25 a month to do this.

WARREN I guess I'm thinking more in terms of septic tank cost; \$5,000 more or less.

WEBER Put in originally?

WARREN Yes. Now how does that compare to the community system?

WEBER I would say that we are probably looking at the \$6-\$8,000 range.

WARREN So another 30% maybe? The lot sizes, obviously, we can down size from the 2 in 5 acre concept that we have now, and I think you have suggested maybe a minimum of 12,000 square feet with some side yard setback.

WEBER I think that's in the policy.

GAROFALO Jim and maybe Irene also, we were handed these documents, this was sitting on our desks when we got here. This we just got from the Planning Department. This one is from David Warren, Director of Water & Sewer, and one from Mr. Brown from Environmental Health. They raise a whole bunch of questions here and concerns. I was wondering if you would be able to take these for us and at some near time respond to these, so we'd have a little better understanding of this whole project. Are you familiar with these?

WEBER I have seen one from Marvin, I have not seen the one from the Water Department and the Health Department. We'll look them over but I'm not sure what they said.

GAROFALO There appear to be some legitimate concerns and questions about alternative systems and I think before I make any kind of decision, I'd have to get more facts and answers to these questions and concerns. Last Friday it sounded all great to me but not being an expert on sewage and what not, I think these are questions that have to be addressed. I think since they were raised, they need to be addressed by you guys who are working on this thing.

MICHAELIS Mr. Garofalo, in reference to that, I think that what we I might try to do is try to explain exactly what we were supposed to be doing here or what we've been asked to do today and for the benefit of those that we keep talking about last Friday, we had a retreat that consisted of members of the Metropolitan Area Planning Commission, City Council and the County Commission. Ms. Hart was there, Mr. Weber was there, various other people from the community were there. This topic was brought up in the matter of discussion item and information and the County has basically asked us to review this policy and give them feed back and comments as to what we think the policy is. On the other hand we get all this handed to us 2 minutes before we make a decision and I don't think that's fair, so I think what our purpose is today is to obviously hear the input of those of you who are here to speak on it and probably not take any formal action other than a recommendation to the County and to the City to come back with better answers to all these questions that are here. Like I said this wasn't really destined to be a public hearing. We need to hear the other side. At some point in time it might be in our best interest to recommend that we have a formal public hearing on it to have anybody: citizens, County, City whoever wants to come, talk on it. Keeping that in mind as we go forward and hear that today, I

guess I'm making it a point on my stand so that I'll be a little more hesitant trying to make a conclusion based on a lot of different things that we don't have the answers on. I hope that clarifies a little bit what we are supposed to do or are trying to do today.

IRENE HART What I'd like to do is briefly walk through the 4- page document. As you can see, it's in pretty serious draft form. The pages aren't numbered. The first couple of paragraphs are just introductory paragraphs. The 3rd paragraph starts talking of the reasons why we are interested in pursuing alternative community sewer systems and that they require less land. They are easy to connect to publicly- operated sewer systems and they provide a higher level of waste water treatment. We said that there are several questions or several considerations that we had, how they work and their effect on soil types in Sedgwick County. How do we make sure the systems are monitored and maintained. What's the fall back position. If it fails, then what. Will use of the systems result in more efficient land use in the County, and how can we be sure that it's safe to the public health and welfare.

In order to answer those questions, we proposed the following. One, that we would have a committee appointed to monitor, review and evaluate the implementation and make recommendations. This gets into the actual design of the system itself; that they should be installed so that they can connect to other public systems with dedicated easements as appropriate; that a building permit would not be granted until the system received all applicable State, Federal and local permits; that a sewer district must be formed to pay for the cost. The members of the sewer district will pay for the operation of the system. We made some recommendations as to minimum lot size and minimum setbacks.

WARREN All of us at this point are trying to look into a crystal ball to see what's down the line in the future. Item 4 of policy; Do you see this some day replacing the septic tank and lagoon?

HART It could lend itself to that. I don't have an opinion one way or another. What comes out is a lot cleaner than those current systems.

WARREN What about Jim, could we ask him if he has an opinion?

WEBER Yes.

WARREN On item #7, Jim or Irene, we talk about a 12-foot side yard setback. I would hope somebody would consider the possibility of maybe making that on one side or the other of the lot, or even to increase it to 14 feet on one side.

WEBER I think that maybe that would be a function of where the tank goes.

WARREN It would have to be an unencumbered accessory building.

BISHOP On Item #1, I asked you this last Friday, I don't see a designation for a representative from either the City of Wichita Environmental Health Department or the City Water and Sewer utilities. For the record I think that would be an extremely good idea. I realize there are other municipal systems in the County. This is important, especially because the connection of these systems would be to Wichita or to other urban area systems. The opinions of the appropriate agencies as to whether the system is easily connected to these municipal systems are important.

HART I am taking notes. You are mentioning the City departments in particular, or any municipal.

BISHOP Any and or all. I think there are different systems. The other question has to do with process. Where the policy is concerned, there will be no resolutions that go in before of the County Commission that will sort of implement this type of thing.

HART If the Commission form or forms of action are through resolutions, this is committee work. This is not County Commission work.

BISHOP There should be a legally approved written resolution which reflects the Sedgwick County committee proposal presented to MAPC before it is approved by Sedgwick County. There will be someone that will translate this into the legally required resolutions that would go before the County Commission?

HART Right.

BISHOP So if one were interested in exactly how this was going to work one would want to take a look at how those resolutions are written. Right?

HART I wouldn't expect them to be much different than whatever the final committee work is, unless there are policy changes at their level.

BISHOP What is the next step? I agree with Mr. Garofalo and I would strongly recommend that this come back to the Metropolitan Area Planning Commission with answers to the issues that the 3 departments have raised and even perhaps in a public hearing setting at an evening time so that it can be attended by members of the public. But what is the next step?

HART The next step is to take comments that we receive today, as well as the documents, since we have not seen any of them, and go back to the County Commission. They asked us to go back to them with your comments, so that's what we'll be doing. Then they will tell us what to do next.

KROUT I had a lot of questions that I put down on paper. I do want to ask one follow up of Jim regarding the side yard setback issue. I never attended the committee meetings directly but I guess I had always assumed that the reason for a more than a SF-5, an urban density side yard setback, is that the County Fire Department would like to have them in these rural areas, that they wanted to have more separation between the buildings for fire protection. Is this not correct?

WEBER In this case, the Fire Department has been on committee.

KROUT They didn't ask about it?

WEBER No, but we can talk to them about it.

KROUT During informal conversations with the Fire Chief, he thought there ought to be greater setbacks between buildings.

WEBER You like 12, you don't like 12.

KROUT I would like to see it at least 12 feet on each side.

WEBER Could go with the community system. That is where the 12,000 square feet comes from and the 12 feet is a number we arrived at assuming this is not in town. We don't think 12,000 seemed to be a reasonable number. It doesn't match up with a particular zoning category. It's a number we were comfortable with.

KROUT If you would ask them. I would like to know what they think.

BLAKE I have a problem with this system which is an experiment. I live in an area with system tanks, and I have seen nothing but total neglect from the County for 30-50 years, and I want you to make sure that if you are going to start something, that you finish it, and you keep up with it because I know what it's like.

WEBER Until January, septic in the County has been regulated by the City/County Health Department, which is managed by the City. The County has just taken over jurisdiction in the unincorporated area since the first of the year. We have no intention of ignoring these things. That's why we are here.

BLAKE In the County for all these years with all these problems you're going to blame the City of Wichita?

WEBER I'm telling you who has been managing the system until now.

WARREN It is important that we stay focused on some of the reasons why this is coming about. We talked for hours and hours about urban sprawl. I would submit this proposal will have more to do with reducing the amount of acres per lot and protecting prime farm land. This is the most important thing in terms of those two things.

MICHAELIS Let's do with comments, suggestions and not relating to how the system works.

BISHOP I gather that there is no proposal as yet to tie this policy together with the land use issue. Where would it be most appropriate? For instance, where would it be preferable, desirable or possible for these to exist. Whether it would be for development that has clustering with a reserve in place. A conservation program must be in place to make this work, to preserve agricultural and open space.

HART Personally I would agree with you, if the discussion of land use did not bog us down. What we did was to try to come up with appropriate rules and regulations for alternative systems. Without this, we would not be having the discussion of land use and clustering. This type of system makes clustering & density increases more easily available than the current system.

BISHOP This is a comment, Mr. Chairman. If the premise of the policy is to promise the preservation of agricultural land and open space, then I don't see how it can be separated out of the discussion.

HART I don't think that was promised. I think one of the questions we wondered about was whether these systems result in more efficient land use.

BISHOP But at what point do we answer that question.

JOHNSON This is for staff. We had a Subdivision item out by Bentley. I felt staff was in favor, now I see a note from Marvin with concerns within a weeks time this came to surface.

KROUT I think they're pretty consistent. In the second memo we think this ought to be a limited pilot project, and only in areas where septic tanks would otherwise be approved.

MICHAELIS We're not here to debate this. We are supposed to be listening and gathering facts. We are not going to make a decision. Gathering information from experts, not get into debate. We are not prepared for that. Personal opinions are irrelevant.

JOHNSON I wasn't debating, I was asking a question for information.

ANDERSON I'm a little confused as who is asking for what. We are not going to approve anything today. There are good suggestions today from the Director of Water and the Environmental Director. We will take into consideration and hope the County Commission does also. We do not sit today to make a decision, their opinions and expertise and I hope that the County Commission isn't either. This is a policy question and the County would not ignore this.

HART Can I ask how we can get copies of those comments.

KROUT There should be extra copies at the table. If not, we can get you some.

WARNER As I understand, the County requested whatever input this Board may have and if you have something to say, say it. No one has told me we were required to make a decision at any time. Are they going to bring something to us for our approval at any time?

MICHAELIS They are just asking for input to help draft the final form of this policy.

WARNER I understand. Are they going to bring it back for our approval?

MICHAELIS I don't know.

KROUT Irene will go back to the County Commission and ask what they want to do now.

MICHAELIS Ms. Hart, is the committee you are talking about on item #1; is that something that's looked at being set up in advance? Is this going to be a helpful source in determining this final policy? Or just a part of the policy?

HART Part of policy almost makes good sense.

MICHAELIS It makes sense to set up the committee first, to be more of a review process in the policy, and then later on to help monitor, review and evaluate. It almost seems like the involvement of experts should be a starting point.

DAVID WARREN, The Director of the City of Wichita Sewer Department. The City has some concerns and issues not addressed on what is proposed, financially and environmentally and in planning terms. We presented to you comments our staff has. There is no point in me standing here reading it. You have it in front of you. This does suggest long term policy implications. Not considering these in policy development is a reckless way of doing business.

JOHNSON Financially how do you see that? The cost to the city, later, on a 100- home subdivision; explain how that would be an added cost to the City. What are the financial problems or implications?

DAVID WARREN There is also a concern related to development, a projection to be made, and the basis of those projections. The systems may or may not be compatible with the gravity system we would extend out. This would be enough urban development in rural areas.

JOHNSON That's what I thought, an improvement district?

DAVID WARREN Maybe, maybe not. This provides its own system, does not tax or use city infrastructure, so I do not understand why there are objections.

JOHNSON It is a business. In most cases, the city utilities are distance utilities.

KROUT We are certainly not going to tie into them.

BISHOP The city recently a year ago took over > what was that cost.

DAVID WARREN The City will spend on its treatment plant alone over 6 million dollars.

BISHOP It only cost 7 million I think to build it.

DAVID WARREN I don't remember exactly what it was Ms. Bishop.

BISHOP Is that cost going to be spread among all City residents?

DAVID WARREN Yes.

MICHAELIS Excuse me Ms. Bishop, you're way off the subject. That's a totally different issue.

BISHOP I think it's clearly related.

WARREN It seems to me that that has been a lot of our consideration here for the past 2 or 3 years that I hear over and over again.

JACK BROWN Environmental Health Director. I was concerned about the policies when we saw them. We had a conversation earlier about the conventional septic tank, the existing system; we looked at some of the alternative systems around the country.

Just for the record I'd like to read this input from the Ohio Environmental Health Department on the public health consequences. These systems can be placed over an extended area to provide mini waste water in treatment sites that are maintenance-free, with natural limitation. Various sites can be developed. Counties are too eager to get the tax base out, but you need to exercise caution, conduct sanitary surveys, consider sewer infrastructure costs and the discharges that go into the Arkansas River. There are water quality issues and it is not clear if this is a system more clearly geared to discharge a soil absorption. Right now the policy is too vague. We need to look at the impacts on the environment and the economy. We need more staff and city input. We would recommend that the policy be further developed and that a city representative be a member of that committee.

TIM AUSTIN, Austin Miller Engineering. Comments observations. We have as an engineering firm been studying and have used that commercially in Sedgwick County. This is not new technology but it is being brought down to the single house use. We've had some discussions with our peer and staff, and think this policy statement is suitable. These systems are approved by KDHE and the EPA. There are maintenance issues and operation, fire protection so, you still have to get zoning approval for that. This is good for opening the dialogue, and there are certainly a lot of questions that need to be addressed. Different companies make systems of different quality, so first we should focus on the broad concept.

MICHAELIS My recommendation on this would be to not take any formal action, but to have both sides who have contributed new questions today, search out and get a little more information. If Ms Hart could see if the feasibility of having that committee do a little more work, at some point in time when we are ready, because right now I feel there's a lot of pressure to push this over real quick. I would not recommended to take any formal action, but to get a little more information, and have the committee do a little more work. There is a lot of pressure now. This is too big of an issue to be pushing that quick. This is probably more important for land use and environment than anything else that we've looked at for a long time and for the Planning Commission because it can have more of an impact on Planning than probably one single issue. I think we need to take it a little more cautiously. I would so like to make that in the form of a motion.

WARREN I have one comment. Don't you think this Commission should take a position to encourage the formation of this committee as suggested?

MICHAELIS I certainly do. That's my personal opinion for the motion.

WARREN I would make that motion. How do you want that?

MICHAELIS How about if I amend the motion I made that we say that we feel that we need more information from both sides and as part of that we feel that the establishment of this committee should be a priority in resolving the issues.

WARREN I second the motion.

BISHOP I'd like to add to the motion if I might and request that the County respond to the concerns that have been raised by City and Planning Department Staff and bring it back to the Planning Commission for another hearing, either as public hearing or certainly as formal consideration by the Planning Commission.

MICHAELIS I think that's kind of what I was trying to say.

BISHOP I think so too.

MICHAELIS I still think we are premature to set a public hearing because I'd rather see this committee come back with some internal information, some questions, answers from the County, some questions, from the City and formulate that before we really go to a public hearing.

BISHOP Okay, but that's sort of a workshop.

MICHAELIS Yes.

GAROFALO I just want to say that for myself I would strongly urge the County to place representation from the Wichita Water and Sewer Department and the Wichita Sedgwick County Environmental section upon this committee. We already have a Planning representative.

MOTION: Recommend the County establish the committee proposed by the policy, and for County staff to return to the MAPC with responses to issues raised by the various memos presented to the Commission.

MICHAELIS moved, **WARREN** seconded the motion, and it carried unanimously (11-0).

9. **Discussion on need/geographic scope of proposed requirements for subdividing land into urban-density lots and streets and "bundling" the lots until public water and sewer are provided.**

KROUT We thought it would be appropriate to put it back on the agenda. Next week Neil is going to bring you some draft language regarding bundling of lots and urban scale lots in rural settings. We have language now in the subdivision regulations. Terra Tech came to us with a client to waive that requirement. We had a discussion on that, but we need to clarify that language. We want to bring it to the Subdivision Committee next Thursday. It hasn't been clear what Planning Commission is looking for outside the

growth areas. Commissioner Warren has been a strong advocate for access to public sewer and water, and property ought to be designed to be sub divided in the future.

WARREN Said he wasn't there at the Subdivision Committee meeting.

KROUT Said I thought you were. I'm not looking for your action today. Some things need to be clarified not only by the Subdivision Committee. Does it relate to what you've heard today? You have tracts that will be in one acre developments like Bentley Farms. What are we going to do with them in the future?

WARREN Are we open for discussion?

JOHNSON From a planning standpoint, when we did that originally, did subdivisions with large lots show how they could develop at greater densities?

KROUT Subdivision Regulations say now you are suppose to plat. You did waive that requirement once. County Code went out and issued building permits. It is more difficult now to subdivide that land and it raises question with drainage. Does that mean we will have to vacate? Will they have to replat? It does mean more engineering.

JOHNSON I don't know what's more important.

KROUT One thing you did do on a recent plat outside the growth area is require a perimeter easement, so there is at least a way around subdivision to extend services.

JOHNSON Hand and hand doesn't worry about elevation, maybe what were talking about now not as critical as >

KROUT I'm not sure I understand, maybe there is some sort of compromise

WARREN Two concepts might be useful. One is a subdivision overlay plat similar to sand pits. We should go ahead and say you need to further subdivide the site or we can at least can look into getting easements. What I'd like to see is a conceptual design that provides for some kind of road system.

MICHAELIS Marvin, may I suggest that you mail it out when Neil has it ready?

KROUT Subdivision can discuss it.

MICHAELIS Bundling is a possibility.

KROUT As Ray was saying for better or worse, there's always going to be people who want large lots.

BISHOP Would it be possible for us to have verbatim minutes for Item number 8?

KROUT I don't know; how about instead we promise you a great summary?

The Metropolitan Area Planning Department informally adjourned at 3:55 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)